

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4768 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

CHUNIBHAI G PATEL

Versus

COMPETENT AUTHORITY & DEPUTY COLLECTOR

Appearance:

MR SD PATEL for Petitioner

MR MUKESH PATEL for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 26/10/1999

ORAL JUDGEMENT

#. This matter arises under the Urban Land (Ceiling & Regulation) Act, 1976, since repealed. The matter was admitted after notice to the respondents on 24.2.94. On 11.2.94, notice was issued to the respondents and by way of interim relief status-quo as on that day with respect to the property in dispute was ordered to be maintained by both the parties. This order was made absolute on

25.2.94. Having heard the learned counsel for the parties, keeping in view the orders of this court dated 11.2.94 and 25.2.94, coupled with the fact that reply to the special civil application has not been filed not it is the case of respondents that possession of the disputed land has been taken by them from the petitioner, the possession of the land in dispute has to be taken to be with the petitioner and as a result thereof, this special civil application abated in view of the Urban Land (Ceiling & Regulation) Repeal Act, 1999, and accordingly it is dismissed as having abated. Rule discharged. Interim relief earlier granted by this court stands vacated. No order as to costs. However, liberty is granted to the respondents for revival of this special civil application in case of difficulty.

(S.K.Keshote, J.)

[sunil]